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FACSIMILE TRANSMISSION COVER SHEET

DATE: September 29, 2004 OUR REF:GBR-100-A YOUR REF: _ application S.N. 10/780,006

TO (COMPANY): _____ USPTO Examining Group 3637 _____

ATTN: _____ Examiner Phi Dieu Tran A _____

FROM: _____ William Blackman, Reg. No. 32,397 _____

FAX NO. CALLED: _____ (703) 872-9306 _____ NO. OF PAGES (Including this page) 4

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MESSAGE: _____ The following is applicant's RESPONSE TO RESTRICTION REQUIREMENT,
for review by Examiner A, and for entry into the application file.

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Attorney Docket No. GBR-100-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Groth et al.
Serial Number: 10/780,006
Filed: Feb. 17 2004
Group Art Unit: 3637
Confirmation No. 9572
Examiner: A, PHI DIEU TRAN
Title:

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GUTTER LINING METHOD AND INSERT APPARATUS
INCORPORATING POROUS NON-WOVEN FIBER MATTING

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner For Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement in the Office Action of 15 September 2004,
applicant submits the following response:

SUMMARY OF THE EXAMINER'S POSITION

In the above-identified Office Action, claims 1-17 have been placed under a restriction requirement under MPEP 803 and 35 U.S.C. 121.

Specifically, the Examiner has identified the following inventions:

- I. The insert apparatus of Claims 1-13; and
- II. The method of Figures 14-17.

The Examiner has required restriction to one of the identified species for examination.

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are all drawn to related aspects of a single inventive concept, and should not be subject to restriction.

Even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

Moreover, applicant respectfully points out that MPEP section 803 states that

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully suggests that since the apparatus and method of using are so closely related, the examination of the entire application would not place a serious burden on the Examiner. Applicant therefore respectfully respects reconsideration and withdrawal of the restriction requirement.

Therefore, Applicant requests reconsideration and withdrawal of the Restriction Requirement.

However, notwithstanding the above, and in order to comply with Patent Office requirements, applicant elects, with traverse, the group identified by the Examiner as Invention I.

It is applicant's understanding and belief that Claims 1-13 are drawn to the elected species.

Respectfully submitted,



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September 29, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3637 of the United States Patent and Trademark Office on September 29, 2004, at the number (703) 872-9306.

